

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 29th day of January, two thousand fifteen,

Before:

Pierre N. Leval,
Rosemary S. Pooler,
Denny Chin,
Circuit Judges.

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

GOLDEN FARM BROOKLYN, INC.
D/B/A GOLDEN FARM GROCERY

Respondent

CORRECTED ORDER

Docket Number: 14-4491

Board Case No.
29-CA-112315
29-CA-114873
29-CA-118032

**JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD**

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, Golden Farm Brooklyn, Inc. d/b/a Golden Farm Grocery, its officers, agents, successors, and assigns, enforcing its order dated July 25, 2014, in Case Nos. 29-CA-112315, 29-CA-114873 and 29-CA-118032, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, Golden Farm Brooklyn, Inc. d/b/a Golden Farm Grocery, its officers, agents, successors, and assigns, shall abide by said order. (See attached Order and Appendix).

Mandate shall issue forthwith

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

The signature of Catherine O'Hagan Wolfe is written in blue ink over a circular court seal. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".

NATIONAL LABOR RELATIONS BOARD

v.

GOLDEN FARM BROOKLYN, INC.
D/B/A GOLDEN FARM GROCERY

ORDER

Golden Farm Brooklyn d/b/a Golden Farm Grocery, Brooklyn, New York, its officers, agents, successors and assigns shall

1. Cease and desist from

- (a) Failing and refusing to meet with and bargain in good faith with the Union, Local 338, Retail, Wholesale and Department Store Union, United Food and Commercial Workers, as the exclusive collective bargaining representative of the employees in the bargaining unit.
- (b) Withdrawing recognition from the Union as the exclusive collective bargaining representative of its employees in the bargaining unit.
- (c) Threatening its employees with termination with the futility of their support for the Union and ordering or directing its employees to cease speaking with union representatives or with other employees, who are supporters of the Union.
- (d) Engaging in surface or bad faith bargaining with the Union as the certified exclusive representative of employees in the appropriate unit.
- (e) In any like to related manner, interfering with, restraining or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

- (a) On request, meet and bargain in good faith with the Union as the exclusive collective bargaining representative of the employees in the following appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

All regular and full-time employees, including cashiers, clerks, stock persons, drivers and general merchandise handlers, employed by Respondent, at its Brooklyn, NY facility, excluding managers, buyers, office clerical employees, guards and supervisors as defined in the Act.

- (b) Within 14 days after service by the Region, post at its Brooklyn, New York facility copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 29, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since August 27, 2013.
- (c) Within 21 days after service by the Region, file with the Regional Director for Region 29 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

IT IS FURTHER ORDERED that the certification of the Union issued by the Board on September 20, 2012 is extended for a period of one year commencing from the date on which the Respondent enters into negotiations with the Union.

APPENDIX

NOTICE TO EMPLOYEES

**POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES
COURT OF APPEALS ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this Notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities

WE WILL NOT fail and refuse to meet with or bargain in good faith with the Local 338, Retail, Wholesale and Department Store Union, United Food and Commercial Workers as the exclusive collective bargaining representative of our employees in the bargaining unit.

WE WILL NOT threaten you with termination because of your support for the Union or threaten you with futility because of your support for the Union by informing you that we will never sign a contract with the Union or direct you not to speak with union representatives or with employees, who support the Union.

WE WILL NOT in any like or related manner, interfere with, restrain or coerce you in the exercise of rights guaranteed you in the exercise of the rights listed above.

WE WILL, on request, meet and bargain with the Union as the exclusive collective bargaining representative of our employees in the following appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

All regular and full-time employees, including cashiers, clerks, stock persons, drivers and general merchandise handlers, employed by us, at our Brooklyn, NY facility, excluding managers, buyers, office clerical employees, guards and supervisors as defined in the Act.

Golden Farm Brooklyn, Inc. d/b/a Golden Farm Grocery
(Employer)

Dated: _____ By: _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov.

Two MetroTech Center, Jay Street and Myrtle Avenue, Suite 5100
Brooklyn, New York 11201-4201
Hours: 9 a.m. to 5:30 p.m.
718-330-7713

The Administrative Law Judge's decision can be found at www.nlr.gov/case/29-CA-112315 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.



THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, 718-330-2862.